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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,691	10/03/2003	Christian Mueller	ITC-338US	9956
23122	7590	05/26/2006	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			KOBERT, RUSSELL MARC	
			ART UNIT	PAPER NUMBER
			2829	
DATE MAILED: 05/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,691

Applicant(s)

MUELLER, CHRISTIAN

Examiner

Russell M. Kobert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8, 10-17, 19-21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 18 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's arguments with respect to claims 1-6, 8, 10-17, 19-21 and 23-24 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8, 10-17, 19-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerschner et al (4993136) in view of Miller (6218910).

Kerschner et al describes an apparatus and method for establishing a distance between a test head and a peripheral, comprising:

A frame (col 5, ln 31-33) which is coupled to one of the test head (col 5, ln 46-55; lower probe plate 42 attached to frame is also attached to a test head) and the peripheral (11) and which is detachably coupled to the other of the test head and the peripheral (anything coupled to another is always detachable); and

A plurality of linear units (16) for causing adjustable movement of the frame towards or away from a docking surface of said test head and said peripheral to change the distance (col 7, ln 28-50);

An actuating member (20, 20a, 19 and 18) which, when activated, causes actuation of the plurality of linear units to cause adjustable movement of the frame;

The frame preventing the test head and the peripheral from being closer to each other than said distance (inherent operation of the frame disclosed in Kerschner et al),

Wherein, at said distance, the test head and the peripheral communicate (col 5, In 56-66; also a test head is inherently designed to communicate with a probe plate); as mentioned in claims 1 and 12.

As to claims 2 and 13 having one of the test head and the peripheral coupled to alignment features for docking the one of the test head and the peripheral with the other of the test head and peripheral is described by Kerschner et al (the combination of assemblies 12, 14, 40 and 42 provide alignment features for docking the test head and the peripheral).

As to claims 3 and 14 having the linear unit including one of a male (16) and female (18) threaded member attached to the other of the test head and peripheral is described by Kerschner et al.

As to claims 4 and 15 having the frame including the other of the male (16) and the female member (17) threaded member is described by Kerschner et al.

As to claims 5 and 16 having one of the male and female threaded member rotated in order to move the frame towards or away from the docking surface of the other of the test head and the peripheral is described by Kerschner et al (col 7, In 39-50).

As to claims 6 and 17 having the other of the male and female member rotated in order to move the frame towards or away from the docking surface of the other of the

test head and the peripheral is described by Kerschner et al (inherent to the dynamic relationship between members 16 and 17).

As to claims 8 and 19, having the linear unit as one of a plurality of linear units to move the frame is described by Kerschner et al (note plurality of linear units 16 shown in Figure 1).

As to claims 10 and 20 having a crank (20a) rotated to cause the plurality of linear units to move the frame is described by Kerschner et al.

As to claims 11 and 21 the docking surface (probe plates 40 and 42) between the frame and one of the test head and the peripheral is described by Kerschner et al.

As to claims 23 and 24, having an alignment feature coupled to one of the frame and the peripheral and a guide coupled to the other of the frame and the peripheral, the guide and the alignment feature separated prior to the adjustable movement of the frame, the guide engaging the alignment feature at said distance is described according to an alternate embodiment in Kerschner et al (col 10, ln 21-35).

Although Kerschner et al does not explicitly describe the test head having test head electrical contacts, a peripheral having peripheral electrical contacts wherein the test head electrical contacts and the peripheral electrical contacts are in contact with each other,

Miller shows a test head (20) having test head electrical contacts (30), a peripheral (22) having peripheral electrical contacts (probe card must have contacts to electrically communicate with the test head 20 because Miller describes the electrical relationship between the test head and a device under test via the probe card; also note

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"points of contact on its upper surface for the pogo pin connectors 30," see col 5, ln 25-39) wherein the test head electrical contacts and the peripheral electrical contacts are in contact with each other.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined the teaching of Miller with that of Kerschner et al to make the claimed invention because providing enhancements for reliable electrical contact between a test head and a probe card using minimal wire lengths between test electronics and the device under test is a desirable attribute when testing highly complex, compact circuits at the fastest possible rates resulting in improvements in reliability combined with efficiency.

4. Claims 7, 9, 18 and 22 continue to be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons of record noted in the Office Action mailed on 6 December 2005.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

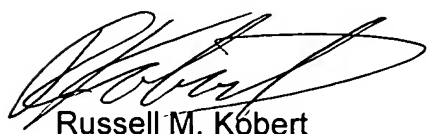
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963. The Examiner's Supervisor, Ha Tran Nguyen, can be contacted at (571) 272-1678. For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Russell M. Kobert
Patent Examiner
Group Art Unit 2829
May 23, 2006



VINH NGUYEN
PRIMARY EXAMINER
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05/24/06